



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Ecology
AO 04-06

☒ **Preproposal Statement of Inquiry was filed as WSR 04 -13 -124 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject)
Chapter 173-322 WAC Remedial Action Grants & Loans

This chapter establishes requirements for a program of grants and loans to local governments for remedial actions pursuant to Chapter 70.105D.070 RCW. The intent of the grant and loan program is to encourage and expedite the cleanup of hazardous waste sites and lessen the impact of the cleanup on ratepayers and taxpayers. Remedial action grants and loans are intended to supplement local government funding and funding from other sources to carry out required remedial actions.

Hearing location(s):

Ecology Headquarters Building Dec. 9, 2004
300 Desmond Drive SE 6:30pm
Lacey, Wa 98503

Ecology Eastern Regional Office Dec. 14, 2004
N. 4601 Monroe 6:30pm
Spokane, WA 99205-1295

Submit written comments to:

Name: Diane Singer
Address: PO Box 47600
Olympia, WA 98504-7600
e-mail dire461@ecy.wa.gov
fax (360) 407-7157 by (date) 12/31/04

Assistance for persons with disabilities: Contact

Solid Waste & Financial Assistance Program by 12/1/04

TTY (800) 833-6388 or (360) 407-6900

Date of intended adoption: February 15, 2005
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Refer to Attachment

Reasons supporting proposal

Refer to Attachment

Statutory authority for adoption: Chapter 70.105D.70 RCW
authorizes Ecology to adopt rules to issue and enforce grants and
loans for actions authorized under RCW 70.105D.

Statute being implemented:

Chapter 70.105D RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No

Federal Court Decision? ☐ Yes ☒ No

State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

DATE

October 4, 2004

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE

STATE OF WASHINGTON
FILED

OCT 4 2004

TIME 4:14 AM
WSR 04-20-076

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Washington Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---------------------------------|-----------------|----------------|
| Drafting..... Diane Singer | HQ-Olympia | (360) 407-6062 |
| Implementation.... Diane Singer | HQ-Olympia | (360) 407-6062 |
| Enforcement.....Diane Singer | HQ-Olympia | (360) 407-6062 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The department has determined that the proposed rule does not effect business because the rule provides the framework for the state to provide grants and/or loans funds to local government to clean up their own remedial action sites.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

X No: Please explain:

The department has determined that this rule is an interpretative rule, not requiring a cost-benefit analysis.

ATTACHMENT

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The primary “driver” behind these proposed rule revisions is amendments made to the MTCA after the Remedial Action Grant rule was originally adopted in 1990. New methamphetamine-lab and derelict-vessel grant programs established under the MTCA now need to be incorporated into the grant rules.

A number of other issues will also be addressed during rule-amendment process, to bring the rule up to date. These issues include the need to raise the funding cap for independent, voluntary cleanups (Voluntary Cleanup Program); to define “innovative technology” and clarify when the use of innovative technologies is eligible for additional funding; to improve the readability of the rule; to establish grant eligibility for assessments and cleanups conducted under federal administrative orders; and to make cleanups completed or negotiated under federal orders prior to the effective date of the rule, eligible to compete for grant funding.

Reasons supporting proposal: Ecology proposes to revise the remedial action grants and loans rule to make the rule consistent with MTCA amendments since the last rule amendments, including methamphetamine laboratory assessment and cleanup and derelict vessels. Ecology will incorporate criteria or outline a program for area-wide groundwater remediation, raise the cap (dollar amount) for independent cleanups performed under the Voluntary Cleanup Program (VCP); define and clarify innovative technology; improve the readability of the rule; and address some general consistency issues. Additionally, language will be included to make cleanups mandated by a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) administrative order or consent decree (AOC) and unilateral administrative agreed orders (UAO) eligible to receive Remedial Action Grant funding.